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Judgment in Case E-9/23 *EFTA Surveillance Authority v The Kingdom of Norway*

**DISMISSAL OF AN INFRINGEMENT CASE CONCERNING INPATIENT
TREATMENT ABROAD**

In a judgment delivered today, the Court dismissed an action brought by the EFTA Surveillance Authority (“ESA”) under the infringement procedure laid down in Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice (“SCA”) against Norway.

In its application, ESA raised various complaints relating to how the Norwegian legislation and administrative practice related to inpatient treatment abroad do not ensure patients’ rights to access inpatient treatment in other EEA States when the same or equally effective treatment cannot be provided in Norway within a medically justifiable time, as required by Article 20(2) of Regulation 883/2004 and/or Article 36 of the EEA Agreement.¹

The Court found that the alleged infringements in the form of order sought by ESA in its application did not correspond to the alleged infringements that had been raised during the pre-litigation procedure, which is an administrative procedure that must be conducted before an action under Article 31 SCA may be brought before the Court. Since the Court found that ESA had altered the scope and nature of the alleged infringements in the action brought before the Court compared to the alleged infringements that had been the subject of the pre-litigation procedure, the procedural requirements arising under Article 31 SCA had not been followed. The Court therefore dismissed the action brought by ESA as inadmissible.

The full text of the judgment is available on the Court’s website: eftacourt.int/cases/e-0923/.

This press release is an unofficial document and is not binding upon the Court.

¹ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems.